



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JUNE 13, 2022

IN THE MATTER OF:

Appeal Board No. 621100

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board No. 621100, the claimant appeals from the decision of the Administrative Law Judge filed January 24, 2022, which sustained the initial determination disqualifying the claimant from receiving benefits, effective February 13, 2021, on the basis that the claimant voluntarily separated from employment without good cause.

In Appeal Board No. 621101, the claimant appeals from the decision of the Administrative Law Judge filed January 24, 2022, which sustained the initial determination holding the claimant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits, effective February 13, 2021.

At the combined telephone conference hearings before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There were appearances on behalf of the claimant and the employer.

With respect to Appeal Board No. 621101, it appears that no errors of fact or law have been made with respect to the issue of ineligibility for PUA benefits. The findings of fact and the opinion of the Administrative Law Judge in Appeal Board No. 621101, concerning the issue of ineligibility for PUA benefits, are fully supported by the record and, therefore, are adopted as the findings of fact and the opinion of the Board.

In Appeal Board No. 621100, based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant worked for a doctor's office for 17 years,

through February 12, 2021, as a medical assistant. She worked approximately 25 hours per week at the employer's locations in the Forest Hills section of Queens and in Hempstead, Long Island. The employer had made the claimant aware that he had additional tasks available for her to perform and that he could increase her hours to as much as 30 to 35 hours per week.

The claimant lived in Brooklyn with her father in the house the claimant had lived in since she was born. Historically, the claimant's father paid most of the bills and made the financial decisions regarding the household. Around 2017, the claimant's father became ill and unable to work. At this point, the claimant became the main breadwinner for the two of them. The claimant also took on more of a role in managing her and her father's finances. She learned in late 2018 that she and her father were in serious financial trouble with respect to their house. They were behind on their property taxes and water bill. The claimant arranged a payment plan with the City but fell into delinquency because she could not afford the repayment plan. Meanwhile, the home was in serious disrepair, and the claimant and her father did not have the financial means to make any of the necessary repairs.

The house was slated for foreclosure. Between overdue property taxes and overdue water bills, the claimant and her father owed more than \$60,000.00. The claimant obtained a pro bono attorney who was able to temporarily delay the foreclosure. After the house was removed from the foreclosure list, the attorney told the claimant that she had one year to resolve the debt or the City would take the house, as the City would not remove the house from the foreclosure list a second time. The claimant looked into taking out a mortgage, but she did not qualify for one. She talked with her father about a reverse mortgage, but her father would not agree to a reverse mortgage. The attorney recommended selling the property to pay off the debt. The claimant and her father sold the house in late February 2021 for \$540,000.00, of which the claimant and her father retained more than \$429,000.00 after paying off the debts and other expenses.

The claimant looked for new housing by searching online and in classified ads. She also searched by looking around the neighborhoods she was interested in and seeing what properties were for sale. She looked in the Rego Park, Forest Hills and Ridgewood sections of Queens. She found apartments that cost approximately \$1,600.00 to \$3,000.00 per month, and houses that cost \$400,000.00 to \$600,000.00. The claimant and her father preferred to buy a house because an apartment would have been too cramped for the two of them and

the claimant's cat, and her father wanted his own living space. The claimant did not have a car or know how to drive. She did not look for housing on Long Island because property taxes were very high there, as she knew from relatives who lived there. The claimant did not have any professional assist her in her search for new housing within commuting distance of her job. The claimant did not ask the employer to increase her hours.

The claimant concluded that, if she and her father stayed in New York City with only the claimant working, it would be only a matter of time until they found themselves in a financial crisis once again. The claimant was looking for a permanent solution to their housing situation, not a temporary solution, as her father was ill, and she wanted him to be comfortable in his last years life.

The claimant's fiancé lived upstate. The claimant researched the cost of

living upstate and found that housing, property taxes, and other living expenses were much lower upstate than in New York City. She bought a home in Port Jervis, NY, for \$174,900 in March 2021, and she quit her job to relocate with her father. She did not have a new job lined up when she quit her job and moved to Port Jervis. Continuing work was available with the present employer had the claimant not quit.

OPINION: The credible evidence establishes that the claimant quit her job to move upstate. Significantly, continuing work was available to the claimant at the time when she quit, and the claimant did not have a new job lined up for after she moved. Prior to quitting, the claimant looked for new housing in only three neighborhoods, and she testified that Rego Park and Forest Hills were "a little bit on the affluent side." The claimant might have found suitable long-term housing if she had expanded her search to include other neighborhoods, including less affluent ones. Also important, the claimant does not deny that, after selling her house in Brooklyn, she had the financial means to obtain interim housing and continue working for the present employer while she looked for a new job that she could perform once she moved upstate. The claimant chose to relocate immediately, without a job, because she wanted to prioritize her father's comfort and not subject him to having to move twice. This choice may have been reasonable, but it also was voluntary. The claimant was not financially compelled to quit and relocate when she did. Therefore, for purposes of the Unemployment Insurance Law, the claimant's quit is not supported by good cause. Accordingly, we conclude that the claimant is

disqualified from receiving benefits.

DECISION: The decisions of the Administrative Law Judge are affirmed.

In Appeal Board No. 621100, the initial determination, disqualifying the claimant from receiving benefits, effective February 13, 2021, on the basis that the claimant voluntarily separated from employment without good cause, is sustained.

In Appeal Board No. 621101, the initial determination, holding the claimant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits, effective February 13, 2021, is sustained.

The claimant is denied benefits with respect to the issues decided herein.

MICHAEL T. GREASON, MEMBER